



ATTORNEY DOCKET NO. AND01-011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

Art Unit: 3661

Filed: July 6, 2001

Examiner: Unassigned

**RECEIVED**  
DEC 30 2003

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS  
OFFICE OF PETITIONS

**TRANSMITTAL**

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JAN 08 2004

Technology Center 2600

**Mail Stop PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

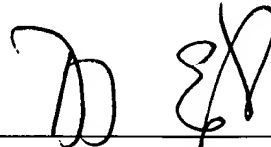
Sir:

Transmitted herewith is a Petition for Withdrawal of the Holding of Abandonment under 37 C.F.R. § 1.181(a) inclusive with Exhibit 1 and 2.

If a Petition for an Extension of Time is necessary for the papers transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the period by the amount of time needed for the papers to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679. A duplicate of this sheet is enclosed.

Respectfully submitted,



Mark C. Comtois	Reg. No. 46,285
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255
Attorneys at Law	

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: December 22, 2003



Application No. 09/899,128  
Docket No. AND01-011

ATTORNEY DOCKET NO. AND01-011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

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Filed: July 6, 2001

Examiner: Unassigned

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS

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OFFICE OF PETITIONS

**Office of Petitions**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**Petition for Withdrawal of the Holding of Abandonment**  
**Under 37 C.F.R. § 1.181(a)**

Sir:

This communication is in response to the "Notice of Abandonment under 37 C.F.R. § 1.53 (f) or (g)" mailed November 25, 2003. The Notice of Abandonment (copy attached at Exhibit 1) alleges that the application was abandoned because of Applicant's failure to file a timely reply to the Notice to File Missing Parts which was mailed on August 22, 2001.

Applicant respectfully requests reconsideration and withdrawal of abandonment.

The Notice to File Missing Parts requested filing an executed oath or declaration.

In response to this communication, Applicant filed an executed declaration, a copy of the Notice to File Missing Parts and an executed assignment with recordation form. These documents were filed along with a Post Card identifying each document. The Patent Office's stamp dated September 7, 2001, indicates that these documents were received at the Office. A copy of the documents filed along with a copy of the stamped-post card is attached hereto as Exhibit 2.

For these reasons, Applicant respectfully submits that the Notice of Abandonment is unwarranted and requests reconsideration and withdrawal thereof.

Although it is believed that no fee is due for this Petition, the Office is hereby authorized and requested to charge any appropriate fee required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Mark C. Comtois	Reg. No. 46,285
Patrick D. McPherson	Reg. No. 46,255
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514

DUANE MORRIS LLP  
1667 K Street N.W., Suite 700  
Washington, D.C. 20006-1608  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: December 22, 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/896,155	06/29/2001	Eric Jensen	SB14

23593  
 ZITO TLP  
 26005 RIDGE ROAD  
 SUITE 203  
 DAMASCUS, MD 20872



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CONFIRMATION NO. 7420

ABANDONMENT/TERMINATION  
LETTER

\*DC000000011351433\*

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DEC 30 2003

Date Mailed: 11/25/2003  
OFFICE OF PETITIONS

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/22/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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OFFICE OF PETITIONS

PATENT APPLICATION

Atty. Dkt. SB14

Applicant : Eric Jensen

Title : Wireless System Signal Propagation  
Collection and Analysis

Ser. No. : 09/899,128

Filed : July 6, 2001

Enclosed are:

Missing Parts Response  
signed declaration  
assignment w/ recordation form



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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/899,128	07/06/2001	Eric Jensen	SB14

23593  
JOSEPH J. ZITO  
1300 I STREET, N.W.  
11TH FLOOR EAST  
WASHINGTON, DC 20005-3314



CONFIRMATION NO. 3792

## FORMALITIES LETTER



\*OC000000006458764\*

Date Mailed: 08/22/2001

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DEC 30 2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

OFFICE OF PETITIONS

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

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A copy of this notice **MUST** be returned with the reply.

JAN 08 2004

Technology Center 2600

SG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

I certify that the return copy of the Notice to File Missing Parts dated 8/22/01 and the executed declaration are being deposited with the United States Postal Service this 6th day of September, 200, in an envelope addressed with sufficient postage to the Commissioner of Patents and Trademarks, Washington, DC 20231.

*[Signature]* 9/5/01



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/899,128	07/06/2001	Eric Jensen	SB14

23593  
JOSEPH J. ZITO  
1300 I STREET, N.W.  
11TH FLOOR EAST  
WASHINGTON, DC 20005-3314



CONFIRMATION NO. 3792  
FORMALITIES LETTER



Date Mailed: 08/22/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

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JAN 08 2004

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SG

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





## DECLARATION UTILITY PATENT

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DEC 30 2003

AS A BELOW NAMED INVENTOR, I hereby each declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe that I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OFFICE OF PETITIONS

TITLE: WIRELESS SIGNAL PROPAGATION COLLECTION AND ANALYSIS  
the specification of which is attached hereto or otherwise accompanies this Declaration.

I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 of the Code of Federal Regulations §1.56.

I hereby claim the benefit under title 35, United States Code, § 120 of the below listed United States applications and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 17, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the effective filing date of this application:

Application Serial No. 60/217,171 Filed 07/10/2000 Status Pending

I hereby claim foreign priority benefits under title 35, United States Code, § 119 or §165 of the below listed foreign, PCT or provisional applications:

Application Serial No. \_\_\_\_\_ Country \_\_\_\_\_ Filed \_\_\_\_\_ Status \_\_\_\_\_

I hereby appoint the following attorney: Joseph Zito, Reg. No. 32,076 to prosecute this application and to transact all business in the U.S. Patent & Trademark Office connected therewith and with any divisional, continuation, continuation-in-part, reissue or re-examination application, with full power of appointment and with full power to substitute an associate attorney or agent, and to receive all patents which may issue thereon, and request that all correspondence be addressed to:

Joseph J. Zito  
26005 Ridge Road, Suite 203  
Damascus, Maryland 20872  
tel: (301) 601-5010 fax: (301) 482-0779

I HEREBY DECLARE that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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FULL NAME OF FIRST INVENTOR: Eric Jensen Citizenship: USA

JAN 08 2004

Inventor's signature:  Date: 13 Jan '01  
Residence & Post Office Address: 3101 Pine Oaks Way, Herndon, Virginia 20171

Technology Center 2600

## PATENTS ONLY

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Eric Jensen

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: July 13, 2001

## 2. Name and address of receiving party(ies)

Name: ScoreBoard, Inc. **IPF**

Internal Address: \_\_\_\_\_

DEC 22 2003

Street Address: 13595 Dullas Technology Dr

Suite 200

City: Herndon State: VA Zip: 20171

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/899,128

B. Patent No.(s)

JAN 08 2004

Additional numbers attached? ☐ Yes ☐ No

Technology Center 2600

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Joseph J. Zito

Internal Address: \_\_\_\_\_



23593

PATENT TRADEMARK OFFICE

Street Address: 26005 Ridge Road

Suite 203

City: Damascus State: MD Zip: 20872

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40

☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

50-1768

(Attach duplicate copy of this page if paying by deposit account)

## DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Joseph J. Zito

Name of Person Signing

Signature

9-5-01

Date

Total number of pages including cover sheet, attachments, and documents: 2

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents &amp; Trademarks, Box Assignments

Washington, D.C. 20231

ASSIGNMENT  
OF APPLICATION FOR UNITED STATES LETTERS PATENT

WHEREAS Eric Jensen, C/O ScoreBoard, Inc. 13595 Dulles Technology Drive, Suite 200, Herndon, Virginia 20171, hereinafter referred to as the assignor, have invented a certain improvement relating to:

WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS, for which said assignors have caused an application for United States Letters Patent to be prepared,

[ ] the inventor's declaration for said application being executed concurrently with the execution of this instrument; said application to be filed in the United States Patent and Trademark Office;

[ ] said application having been filed in the United States Patent and Trademark Office on \_\_\_\_\_, Serial Number \_\_\_\_\_;

[ ] said application having been filed under the Patent Cooperation Treaty on \_\_\_\_\_, Serial No. \_\_\_\_\_, the United States of America being designated.

AND WHEREAS: ScoreBoard, Inc., 13595 Dulles Technology Drive, Suite 200, Herndon, Virginia 20171, hereinafter referred to as the assignee, is desirous of acquiring the entire right, title and interest in and to said application, including any and all divisions and continuations thereof, and in and to said invention and any and all patents which may be granted therefor, including any and all renewals, reissues and prolongations thereof;

NOW THIS WITNESSETH, that for and in consideration of, \_\_\_\_\_ and other good and valuable consideration paid by said assignee to said assignors, the receipt of which is hereby acknowledged, said assignors hereby assign, sells and transfers to said assignee, and said assignee's successors and assigns, the entire and exclusive right, title and interest in and to said application, including any and all divisions and continuations thereof, and to said invention and any and all patents which may be granted therefor, including any and all renewals, reissues and prolongations thereof; said assignee, and said assignee's successors and assigns, to have, hold, exercise and enjoy the said application including any and all divisions and continuations thereof, and the said invention and any and all patents which may be granted therefor, including any and all renewals, reissues and prolongations thereof, with all the rights, powers, privileges and advantages arising from or appertaining thereto, for and during the term or terms of any and all such patents when granted, including any and all renewals, reissues and prolongations thereof, for the use and benefit of said assignee, and said assignee's successors and assigns, in as ample and beneficial a manner as the said assignors might or could have held and enjoyed the same, if this assignment had not been made,

AND said assignors hereby agree to perform, upon the request of said assignee, or said assignee's successors or assigns, any and all acts relating to the obtaining or to the asserting of said patents, including any and all renewals, reissues and prolongations thereof,

AND said assignors authorize and request the Commissioner of Patents and Trademarks to issue Letters Patent on said application, and on any and all divisions and continuations thereof, to said assignee, and said assignee's successors and assigns, in accordance herewith.

EXECUTED, this 13<sup>th</sup> day of July, 2001.

ASSIGNOR:

Signature: \_\_\_\_\_

Name: Eric Jensen

Address: 3101 Pine Oaks Way  
Herndon, Va. 20171

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JAN 08 2004

Technology Center 2600

**ZITO tlp**

A Technology Law Practice

26005 RIDGE ROAD, SUITE 203  
DAMASCUS, MARYLAND 20872

www.zitotlp.com



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DUANE MORRIS, LLP

DEC 11 2003

Voice (301) 601-5010  
Fax (301) 482-0779

Washington, DC  
Damascus, Maryland  
Boca Raton, Florida

December 9, 2003

Mark C. Comtois, Esq.  
Duane Morris  
1667 K Street, NW, Suite 700  
Washington, DC 20006

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JAN 08 2004

Technology Center 2600

Re: ScoreBoard, Inc.

Dear Mr. Comtois:

Forwarded are correspondence we have received for ScoreBoard, as follows:

Palacio & Asociados re Our Ref: SB14  
Palacio & Asociados re Our Ref: SB05  
Notice of Abandonment from USPTO re 09/896,155 (Our Ref: SB14)

You will note that both Palacio & Asociados letters are dated November 3, 2003 but were not received in our offices until December 3, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Porter".

Joyce Porter

jp  
Enclosures

cc: Mr. John Arpee

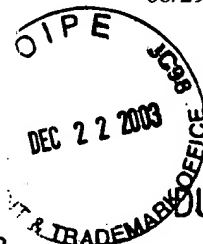


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/896,155	06/29/2001	Eric Jensen	SB14

23593  
 ZITO TLP  
 26005 RIDGE ROAD  
 SUITE 203  
 DAMASCUS, MD 20872



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 DUANE MORRIS, LLP

DEC 11 2003

CONFIRMATION NO. 7420

ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011351433\*

Date Mailed: 11/25/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/22/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*d.O. Durham*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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